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DEPARTMENT OF STATE

Washington, D.C. 20520

NSC UNDER SECRETARIES COMMITTEE

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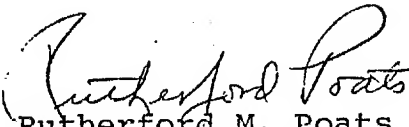
NSC-U/SM 163A

December 13, 1976

TO: The Deputy Secretary of Defense
 The Assistant to the President for
 National Security Affairs
 The Director of Central Intelligence
 The Chairman of the Joint Chiefs of Staff
 The Deputy Attorney General
 The Under Secretary of the Interior

SUBJECT: Negotiations to Resolve Conflicting US/UK/
 New Zealand Claims to Sovereignty Over
 Twenty-five South Pacific Islands

Attached for your comment and/or concurrence
are a report and draft memorandum for the President
concerning the disputed islands in the Pacific.
Your response, which may be provided to Mr. Richard
Williams, Department of State 632-9690, is requested
by c.o.b. Tuesday, December 21, 1976..


Rutherford M. Poats
Acting Staff Director

Attachments:

As stated

State Dept. review completed

THE DEPUTY SECRETARY OF STATE
WASHINGTON

NSC UNDER SECRETARIES COMMITTEE

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MEMORANDUM FOR THE PRESIDENT

Subject: Negotiations to Resolve Conflicting US/UK/
New Zealand Claims to Sovereignty Over
Twenty-five South Pacific Islands

Attached is a study prepared by an interagency working group for the Under Secretaries Committee concerning negotiations to resolve conflicting claims to sovereignty over 25 islets in the South Pacific.

In the South Pacific roughly 2,000 miles South of Hawaii, the United States has longstanding claims to sovereignty over 25 small and scattered islets also claimed by the United Kingdom or by New Zealand or New Zealand-associated islands states. The US claims originate in guano-mining and whaling activities by US citizens during the 19th century.

After such activities ceased, the US for half a century did not assert any claim. In the 1930's civil air interest in the area developed -- it was in this area that Amelia Earhart disappeared. In 1939 the US for the first time formally asserted a claim to sovereignty over the 25 islands; and the US and Britain entered into an agreement to co-administer Canton and Enderbury Islands for 50 years, without prejudice to either side's pre-existing claims to sovereignty. The US has predominated in the administration of the two islands in the ensuing decades.

Canton and Enderbury have no Pacific Islander inhabitants, and neither they nor the other Phoenix Islands nor the Line Islands, all at dispute with the British, are inhabitable by usual standards. Nonetheless, the British have considered them part of the Gilbert Islands colony for many decades, and

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plan to include them in Gilbertese territory when they accord the Gilberts independence in 1978 or 1979. Accordingly, it is in the US interest to resolve the dispute over sovereignty soon, in order to avoid the possibility of an embarrassment to our relations with the newly-independent mini-state or its Pacific neighbors.

In addition to claiming the Phoenixes and Lines, the US has similar claims to Tuvalu (called the Ellice Islands until its separation from the Gilberts a year ago) and to islands of the Tokelau and Cook groups. All these islands are inhabited. The Tuvaluans are administered as a British colony, while the Cooks and Tokelaus have a semi-independent status in association with New Zealand, their peoples being citizens of New Zealand who can freely migrate to that country and who are ethnically closely related to the Maori of New Zealand. It makes sense to settle the claims to Tuvalu and the Tokelaus and Cooks at the same time as we address the question of the Phoenixes and Lines. The Tokelaus assert a claim of their own, against an outlying island of American Samoa, and this too needs resolution.

The US has two principal interests in the area:

-- friendly longterm political relations with the soon-to-be-independent Gilbert Islands, with other South Pacific nations, and with Britain and New Zealand; and

-- assured long-term access to Canton and Enderbury Islands and to nearby Hull Island for possible present and future military missile testing and related purposes. The members of the Under Secretaries Committee find no US interest in the remaining 22 islands sufficient to attempt to assert US sovereignty over them.

Inasmuch as US claims to Canton and Enderbury are reasonably strong and to Hull and the other islands extremely weak, the committee has considered three possible options for securing access to the three islands:

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-- Attempt to secure sovereignty over all three;

-- Attempt to secure sovereignty over Canton and Enderbury and arrange a long-term lease of Hull; and

-- Abandon the sovereignty claims and attempt to secure long-term leases for the three islands.

The conclusions reached in the attached study are that:

-- long-term US access to Canton, Enderbury and Hull would be better assured with US sovereignty than with a long-term lease; but

-- we do not know how the British and Gilbertese would react to an assertion of US sovereignty over the three islands, and hence cannot at this time accurately assess the impact of such an assertion on the US interest in friendly relations with the Gilberts, their Pacific neighbors, and New Zealand and Britain.

Accordingly the members of the Under Secretaries Committee recommend that, after appropriate consultation with Congress, the Department of State take the following steps, which you are asked to approve:

-- Approach the British with a proposal that the British recognize US sovereignty over Canton, Enderbury and Hull in exchange for a US renunciation of claims to 15 other islands of the Phoenix, Line and Tuvalu groups. If the British and Gilbertese prove willing to acknowledge US sovereignty over Canton and Enderbury but not Hull, the US negotiators would accept their position and invite a counter offer for the long-term lease of Hull. If they prove unwilling to acknowledge US sovereignty over Canton and Enderbury as well, the Under Secretaries Committee would consider whether the US should abandon its assertion of sovereignty altogether and attempt to negotiate a long-term lease of the three islands.

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EXECUTIVE SECRETARIAT Routing Slip

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Remarks:

Executive Secretary

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DEPARTMENT OF STATE

Washington, D.C. 20520

NSC UNDER SECRETARIES COMMITTEE

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NSC-U/SM-163

January 15, 1976

TO: The Deputy Secretary of Defense
The Assistant to the President for
National Security Affairs
The Director of Central Intelligence
The Chairman of the Joint Chiefs of Staff
The Deputy Attorney General
The Under Secretary of the Interior

SUBJECT: Disputed Islands in the Pacific

The Chairman has approved the recommendation of the Assistant Secretary of State for East Asian and Pacific Affairs that the Under Secretaries Committee undertake a review of future actions of the United States with respect to its long-standing claims to sovereignty over 25 islets scattered across the South Pacific which are also claimed by the United Kingdom or New Zealand. A list of the islets is attached.

The study should include, but not be limited to, consideration of the following issues:

- The legal basis for US claims and their strength in relation to those of other claimants;
- any foreseeable need to maintain access to certain of the islands for installations, communications or other strategic purposes;
- the islands' potential or actual value in terms of mineral, fishery, seabed or other resources;
- the interests of other countries and the

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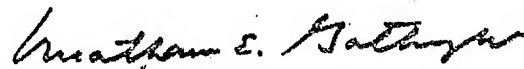
effects of alternative courses of action on our relations with the inhabitants of the islands, the United Kingdom and New Zealand, or on Law of the Sea Negotiations; and

- the extent of Congressional involvement, taking into account legal and political considerations.

The study should consider a full range of negotiating options and reach concrete recommendations, including recommendations on timing.

The study will be conducted by an ad hoc working group chaired by Mr. Christopher A. Squire, Director of the Office of Australia, New Zealand, Papua New Guinea and Pacific Islands Affairs, Department of State. A meeting of the working group will be held on Thursday, January 29, at 4:00 p.m. in room 6210 of the Department of State. Addressees are requested to designate their representative to Mr. Harold Nelson, 632-9690.

The report, together with a draft memorandum for the President, should be available for distribution to the membership no later than March 15.



Wreatham E. Gathright
Staff Director

Attachment:

As stated

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LIST OF DISPUTED ISLANDS

I. Islands Claimed by the US and the UK

- | | |
|--------------------|----------------------|
| A. Phoenix Islands | 1. Canton Island |
| | 2. Enderbury Island |
| | 3. Birnie Atoll |
| | 4. Gardner Atoll |
| | 5. Hull Atoll |
| | 6. McKean Atoll |
| | 7. Sydney Atoll |
| | 8. Phoenix Atoll |
| B. Line Islands | 9. Caroline Atoll |
| | 10. Christmas Island |
| | 11. Flint Island |
| | 12. Malden Island |
| | 13. Starbuck Island |
| | 14. Vostok Island |

Canton and Enderbury are under joint US-British administration. From the Foreign and Commonwealth Office in London, the British administer the Phoenixes and Lines as part of the Gilbert Islands, capital at Tarawa. Our information is that Birnie, Gardner, Hull, Sydney, Caroline, Flint, Malden and Starbuck are uninhabited. The British expect the Gilberts to attain independence by about 1979.

- | | |
|---------------------|-----------------------------------|
| C. Tuvalu (prior to | 15. Funafuti Atoll |
| October 1, 1975 | 16. Nukuaetau Atoll |
| called the | 17. Nukulailai (Nukulaelae) Atoll |
| Ellices) | 18. Nurakita (Niulakita) |

On October 1, 1975, the former Ellice Islands were separated from the Gilberts and renamed Tuvalu, with capital at Funafuti. Plans for independence have not reached the timetable stage.

II. Islands Claimed by the US and New Zealand

- | | |
|--------------------|--------------------|
| D. Tokelau (Union) | 19. Atafu Atoll |
| Islands | 20. Fakaofu Atoll |
| | 21. Nukunono Atoll |

The Tokelaus became a part of New Zealand in 1949. The islands are all inhabited, their people citizens of New Zealand. There is a New Zealand Administrator for the Tokelaus.

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E. Cook Islands

- 22. Danger Atoll (Pukapuka)
- 23. Manihiki Atoll
- 24. Rakahanga Atoll
- 25. Penrhyn Atoll

The Cook Islands, to which group these inhabited atolls belong, are internally self-governing. They are in "free association" with New Zealand, which is responsible for their foreign affairs and defense and provides them with budgetary support. There are no definite plans for full independence.

EXECUTIVE SECRETARIAT

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7	DDO				
8	D/DCI/NI	✓	<i>Mr. To Hunt</i>		
9	GC				
10	LC				
11	IG				
12	Compt				
13	D/Pers				
14	D/S				
15	DTR				
16	Asst/DCI				
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20	<i>C/EA/DDO</i>		✓		
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Remarks:

*See our conversation — to you
 for action — with love!*



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